

Remarks

Upon entry of the foregoing amendment, claims 6, 11-13 and 14 are pending in the application, with claim 14 being the independent claim. Claim 1 has been rewritten as new claim 14 to incorporate features previously recited in claims 2, 3 and 5. Claims 11-13 have been withdrawn from consideration but have been amended in the event the examiner withdraws the requirement for election (see traversal below). It is not believed that these amendments raise new issues requiring further search or substantive consideration. Entry of these amendments is therefore requested.

Restriction/Election Requirement

The Examiner has alleged that claims 11-13 are "directed to an invention that is independent or distinct from the invention originally claimed. . . ." As a result, the Examiner has withdrawn claims 11-13 from further consideration in this application. This action is respectfully traversed.

The requirement is first traversed for the reason that the Examiner has provided no basis for this requirement. The Manual of Patent Examining Procedure requires that Examiners provide reasons and/or examples to support conclusions. To support the requirement, the serious burden on the examiner may be prima facie shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. [See MPEP §803, Rev. July, 2008] The Examiner has made no such showing here. For this reason alone, the requirement for restriction is improper and should be withdrawn.

Second, it is not clear how claims 11-13 are "directed to an invention that is independent or distinct from the invention originally claimed. . . ." in claim 1, from which claims 11-13 depend. "[T]he claims of an application may properly be required to be

restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent . . . or distinct. . . ." MPEP §803 2007. [Emphasis added.] "The term "independent" (i.e., **>unrelated<) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. . . . Related inventions are distinct if the inventions as claimed are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER". MPEP §802.01 [R-5] 2007. [Emphasis in original.] Here it is clear that the inventions as claimed are connected in all of design, operation and effect because of the dependent relationship of claims 11-13 to their parent independent claim 1.

If the Examiner is basing his restriction on the allegation that claims 11-13 are directed to a different species than the previously presented claims, then claims 11-13 should be considered allowable if their parent independent claim 14 is found to be allowable. (*See* 37 C.F.R. §1.141.)

Rejections under 35 U.S.C. § 103

Claims 1-3 and 5-9 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Doornbos (U.S. Patent No. 6,848,759) in view of Coleman (U.S. Patent No. 5,448,797). This ground of rejection is respectfully traversed with respect to remaining claims 14 and 6 (and with respect to claims 11-13 if the restriction/election requirement is withdrawn).

Claim 14 is primarily directed to an embodiment wherein the brake plate fixed to the case body is pushed by being sandwiched from both sides, between the brake pad attached to

the pushing member and the brake pad attached to the slider, so as to buffer relative movement of the engagement member and the case body.

Neither Doornbos nor Coleman disclose a construction wherein a brake plate fixed to a case body is pushed by being sandwiched from both sides. As a result of this feature, the buffer according to the present invention can be downsized and its buffering effect is enhanced.

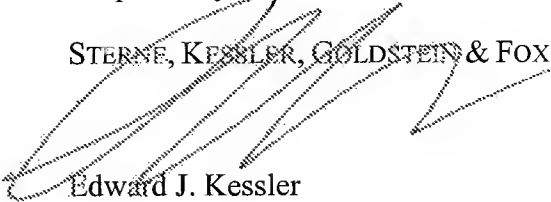
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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